



United States Department of the Interior

BUREAU OF RECLAMATION
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, California 95821

IN REPLY
REFER TO:

CVO-100
WTR.1-10

JUL 01 2004

Ms. Celeste Cantú
Executive Director
State Water Resources Control Board
P.O. Box 2000
Sacramento, California 95812-2000

Dear Ms. Cantú:

The Bureau of Reclamation (Reclamation) and the California Department of Water Resources (Department) are submitting for your approval the Joint Point of Diversion (JPOD) Water Quality Response Plan (WQRP) for JPOD stages 1 and 2. The WQRP addresses the requirements of State Water Resources Control Board Water Rights Decision 1641 (D-1641) to develop and provide a response plan to ensure that water quality in the southern and central Delta will not be significantly degraded through operations of the JPOD to the injury of water users in the southern and central Delta.

To facilitate preparation of the WQRP, your staff clarified the requirements of the WQRP in a letter dated March 19, 2004. In the letter, you stated, "Significant degradation may occur in the absence of violations of water quality objectives in cases where degradation impairs a senior water right of water of a usable quality". To determine if such degradation (or salinity increase) occurs, you requested additional modeling analysis to demonstrate the likely effects to water quality by utilizing JPOD during periods when the Delta is in excess conditions. Enclosed with the WQRP is the requested analysis. It compares water quality conditions at key locations in the Delta resulting from operating to Decision 1485 to those conditions when operating to Decision 1641 with JPOD. In most cases, the analysis shows conditions to be as good or better than water quality conditions resulting from operating to D-1485. In the few instances where a rise in salinity occurs, it is either a slight rise or it does not raise the salinity to a level that makes it unusable to Contra Costa Water District. In either case, salinity remains well below the water quality standards for M&I use contained in D-1641. Any of the possible increases in salinity resulting from JPOD do not rise to the level of "injury" under the water code.

Reclamation and the Department have forwarded an electronic draft WQRP and supporting analysis materials to your staff and to Contra Costa Water District (CCWD) staff. CCWD staff reviewed the draft WQRP in a letter dated May 26, 2004 to Reclamation and the Department. Reclamation and the Department staff have reviewed CCWD comments and have incorporated some of their suggested changes to the final WQRP, however Reclamation and the Department.

Reclamation and the Department staff have reviewed CCWD comments and have incorporated some of their suggested changes to the final WQRP, however Reclamation and the Department have not incorporated all of CCWD requested changes. The following is a brief discussion of changes requested by CCWD that were not included in the final WQRP.

1. CCWD requested the first bullet under Action Items be modified as follows:

- *Reclamation and the Department will meet D-1641 standards required by their water right permits for western Delta agricultural beneficial uses and for Delta municipal and industrial beneficial uses. ~~Assuring that no change in water quality will rise to the level that would cause injury to water users in the southern and central Delta.~~*

CCWD's claim is that the SWRCB's March 19, 2004 letter states that, "Significant degradation may occur in the absence of violations of water quality objectives in cases where degradation impairs a senior water right of water of a usable quality." Therefore, CCWD states meeting standards is not sufficient to ensure water users are not injured.

Reclamation and the Department disagree with the claim that JPOD will degrade water quality significantly to the point of injury. Beneficial use standards are the measure for which water quality is satisfactory (non-injury) to meet the intended beneficial use. CCWD is a municipal and industrial user in the Delta and Reclamation and the Department will meet municipal and industrial beneficial use standards in the Delta.

To accept CCWD's claim would, in essence, create a new water quality standard in the Delta based on a delineation of water quality for CCWD's Los Vaqueros water rights, something not given in SWRCB D-1629. In SWRCB D-1629, CCWD applied for and received permits for a water supply and a water right, which did not include water at a given quality. Reclamation and the Department did not include the requested language change in the WQRP because to do so could affect any future new project in the central valley that utilizes surplus or excess water for beneficial use purposes by creating the need to protect water quality to a new water quality threshold associated with CCWD's Los Vaqueros water right diversion, not beneficial use standards.

2. CCWD also requested that the WQRP contain the following language:

- *Projects will prepare modeling forecasts for water quality prior to JPOD usage with and without JPOD. Whenever water quality modeling suggests that JPOD usage may cause degradation at CCWD intakes during excess conditions when CCWD's Los Vaqueros water right permit conditions are met, the Projects will provide the modeling results to CCWD and consult with CCWD prior to JPOD usage to ensure impacts are avoided.*

CCWD claims the provided modeling analysis illustrates significant degradation of water quality. Reclamation and the Department claim the analysis supports no significant degradation or injury. Salinity and chlorides are water quality constituents for which the SWRCB has set

expected changes in salinity are slight and remain well within the applicable salinity standards. Therefore, no "injury" occurs due to the JPOD approvals.

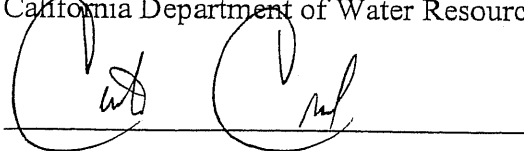
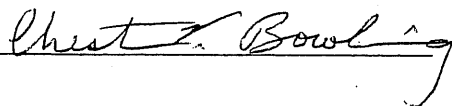
CCWD would like for the projects to model and forecast JPOD operations for potential changes to water quality prior to implementing JPOD during excess conditions and consult with CCWD prior to JPOD. The SWRCB staff asked for a long-term modeling comparison of water quality conditions under SWRCB D-1485 project operations and SWRCB D-1641 with JPOD, not a comparison of operations with and without JPOD. Municipal and Industrial beneficial use standards will be met under JPOD operations. Therefore, no significant injury can occur to CCWD water rights on the basis of water quality. A forecast is unnecessary by definition, time-consuming, and a basis for subjective speculation of impacts.

Modeling forecasts are a component of Reclamation and the Department's water level response plan for south delta water user interests. The need for forecasting water level concerns is to determine if JPOD operations are expected to induce lower water levels that interfere with south delta water users ability to access their water supplies for beneficial use purposes. If during the forecasted time period JPOD operations lower water levels below the analysis projections and interfere with south delta operations, an injury has potentially occurred and JPOD operations must be ceased or mitigated. Water quality for beneficial use purposes is protected by setting limits on the concentration of constituents in water bodies that are determined to satisfy basic beneficial uses. Therefore, Reclamation and the Department did not include in the WQRP a requirement to model or forecast water quality. Reclamation and the Department did include an action item to provide to CCWD seasonal forecasts of projected use of CVP and SWP Delta export facilities for JPOD and water transfers in order for CCWD to anticipate how project operations will likely operate in the Delta environment.

If you have any questions please contact Paul Fujitani at 916-979-2197 with Reclamation or Curtis Creel at 916-574-2722 with the Department.

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